

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.708 of 2014

and

M.P.No.1 of 2014

Ms.Subhaa Shri .. Petitioner/Respondent

-Vs-

Dhanushkoti Durai .. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the suit in H.M.O.P.No.45 of 2014 from the Subordinate Court, Vallioor to the file of the Family Court, Chennai.

For petitioner Ms.P.Kavitha Balakrishnan

For Respondent Served - No Appearance

O R D E R

This transfer petition is filed by the wife in a matrimonial dispute seeking transfer of H.M.O.P.No.45 of 2014 filed by the husband under Section 13(1)(i) and 13(1)(i-a) of the Hindu Marriage Act before the Sub Court, Valliyoer for dissolution of marriage held between the petitioner and the respondent on 03.06.2011.

2. It is seen that the transfer petition is filed as early as in the year 2014. There is no order of interim stay granted by this Court. It is stated that O.P. is still pending. The wife/petitioner apprehends danger to her life, as on earlier occasions, she was beaten by the respondent. She was badly hurt. There are also certain criminal proceedings pending between the parties. It is also stated that even economically, the petitioner was not able to spend money for travelling from Chennai to Valliyoer to attend the Court hearings. It is practically difficult for her to travel to Valliyoer along with her minor son. Hence, the transfer petition has been filed.

3. Heard the learned counsel for the petitioner. Though the respondent is served with notice and his name having also been printed in the cause list, there is no representation for the respondent, either in person or through counsel.

4. Considering the above facts and also taking into account the fact that the petitioner is raising the male child born out of the wed lock between the petitioner and respondent and also considering the convenience of the wife as recommended under Section 19 (iii-a) of the Hindu Marriage Act, this Court is inclined to transfer H.M.O.P.No.45 of 2014 pending on the file of the Sub Court, Valliyoor to the file of the Family Court, Chennai.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

srn

To

- 1.The Subordinate Judge, Valliyoor
- 2.The Judge, Family Court, Chennai .

+1 CC to Ms.P.Kavitha Balakrishnan, Advocate sr 76130.

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GJII (CO)
SP (23/11/2017)

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